Hawaii Public Housing Authority HPHA



Civil Rights
Overview

Aloha

CIVIL RIGHTS COMPLIANCE IS EVERYBODY'S RESPONSIBILITY.

Provide a "big picture" about ACCESS and CREATE awareness about discrimination and DHS' role in preventing discrimination based on national origin, ancestry and other forms of discrimination.



DHS

is Committed to these Principles

- Providing essential public services in the most effective and efficient manner
- Developing meaningful and reasonable ACCESS to programs, services, activities, buildings and employment
- Compliance with Federal and State laws and regulations

Objectives

- Understand how cultural stereotypes led to laws that discriminated. As stereotypes eroded, constituencies supported former victims by creating "Protected Classes."
- Understand what illegal discrimination is, and promote selfchange to reduce it.

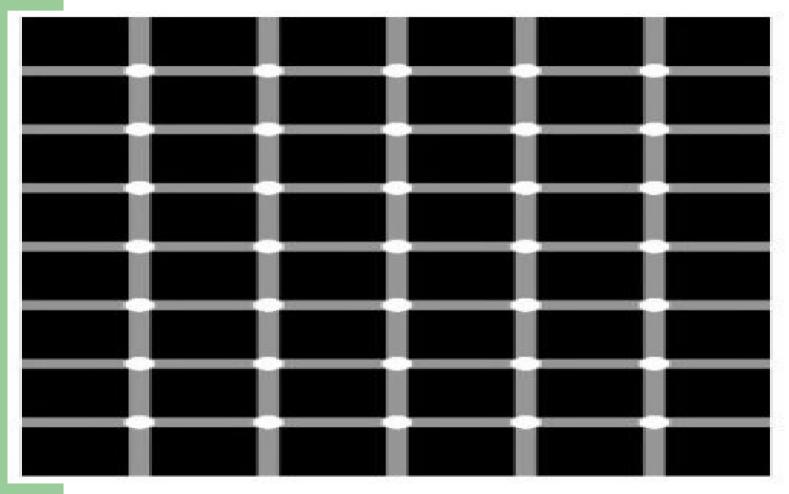
What is "Discrimination"?

The word **discrimination** comes from the Latin *discriminare*, which means to "distinguish between". However, **discrimination**, as used in **civil rights**, is more than distinction; it is *action based on prejudice resulting in unfair treatment of other people*. To **discriminate** socially is to make a distinction between people on the basis of a presumed category without regard to individual merit. Examples include race, religion, gender, disability, ethnicity, sexual orientation and age.

Distinctions between people which are based on individual merit (such as personal achievement, wealth, or skill) are generally not considered socially discriminatory.

In America, each individual's **civil rights** include the *right to be free from government sponsored social discrimination.*

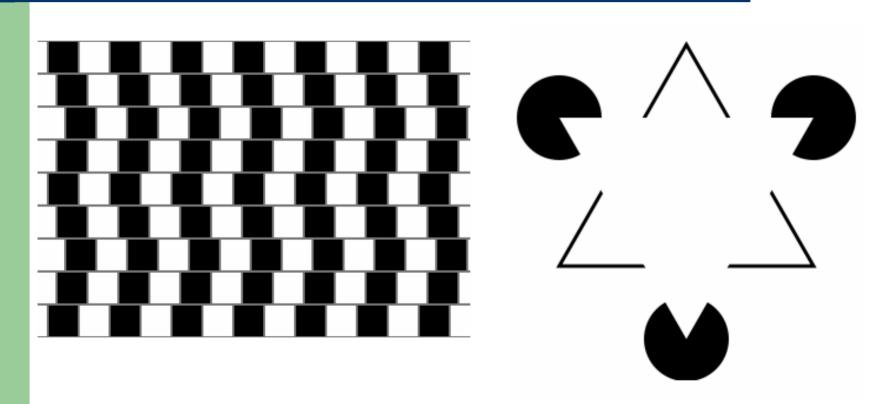
The human mind, naturally "discriminates" and can make you imagine....



Black Dots

White Dots

...or even make a *straight* line, appear crooked...



Or a shape that's not even there

What is the <u>legal</u> definition of "Discrimination"?

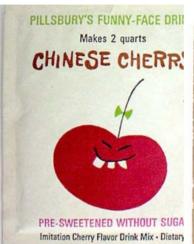
"Unfair treatment or denial of normal privileges to persons because of their race, age, sex, nationality or religion. A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored."

-Black's Law Dictionary

Marketers Historically Used Derogatory Images That Reinforced Racial Discrimination....

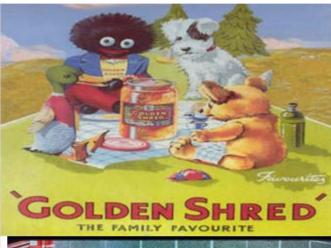


it's Genu-wine Hire's









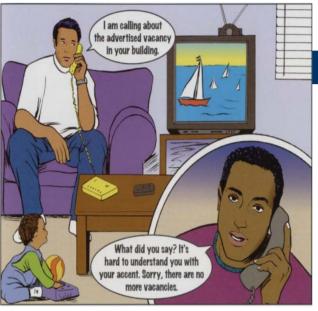


What Do You Think? Images in Current U.S. HUD Brochure













Let's Reinforce the *Written Law*, Not the Person's Color!

Start at the top and say the actual color, not the written word.



The "Stroop Test," invented by John Stroop in 1935, psychologically tests our mental ability to stop one response in order to do something else.

Hawaii State

Government is "People Friendly"

Department of Human Services

How Do We Continue to Remove Our Stereotypes in Communicating With our Clients?

Bias- Free Language

Bias-Free Language

Eskimo	Inuk (singular) Inuit (Plural)	
Hispanic, Latino, Latin American	A prime example of the complexities of terms related to nationality	
Indian	American Indian, Native American (or better, name the person's tribe)	
Oriental	Asian (or be specific)	
Racial Codes: Welfare, innercity, underprivileged	Do not use a a euphemisms for racial groups	

Guidelines for Achieving Bias-Free Communication

Be aware of words, images and situations that suggest that all or most members of a group are the same. Stereotypes often lead to assumptions that are unsupportable and offensive.

Example: A writer who describes a *Martian child as well-dressed* may be unconsciously portraying this as an exception to a stereotype that *Martians are unkempt*.

Avoid qualifiers that reinforce stereotypes. A qualifier is added information that suggests what is being said is an exception to what is expected.

Example: "A group of *intelligent Martian* students were guests as part of the orientation program." Would members of the majority population be described in the same way; i.e. the *intelligent Earthling* students?

Guidelines for Achieving Bias-Free Communication

Substitute substantive information for ethnic clichés.

Don't let ethnic clichés substitute for in-depth information.

Example: A person of Pacific Island heritage might prefer to be asked about family history or real estate experiences than about surfing or dance.

Review marketing media to see if all groups are fairly represented.

Examples: Are persons portrayed in positions of authority almost invariably white? Does your marketing media provide diverse racial role models?



And Remember Access to Government Services is a Civil Right

- Civil rights include the right to free speech, to privacy, to equal protection and due process.
- The right not to be discriminated in government services falls under equal protection which means that everyone shall be treated equally no matter the race, sex, religion or national origin.

Focus

- > Clients rights and their importance
- Discrimination complaint procedure

- > Information available to the public
- > Civil rights requirements

Clients' Rights

- Discuss any action concerning their case with worker and/or supervisor
- Notified in advance of their benefits being reduced or discontinued (I7-649-3)
- Ask for an administrative appeal (fair hearing) (I7-610-4, 17-602-1)
- Record kept confidential (I7-601)
- Bilingual or sign-language interpreter (I7-610-9)
- File a discrimination complaint (17-610-3,4)
 (Forms 9004 and 9006), 2007

Why are Client Rights Important?

- Meaningful access to programs/services
- Reasonable access to programs/services
- How you are received by the client and public affects you, DHS, future......



What's it all about?

- 1. Understand what constitutes discrimination
- 2. Recognize and Prevent Harassment
- 3. Understand your role in providing workplace and service areas that are free from discriminatory practices
- 4. Recognize and understand civil rights laws affecting workplace and service provisions



Civil Rights Compliance

AIM: To provide relevant CRC information in efforts to prevent and eliminate discriminatory practices in employment and services

at DHS

GOALS: * Create awareness and appreciation

- * Comply with applicable laws and agreements
- * Prevent discriminatory practices
- * Promote additional recognition and respect
- * Refine DHS discrimination complaint process
- * Understand Roles, Rights and Responsibilities

Civil Rights Compliance means ensuring that

✓ All individuals are provided the right to

equal employment opportunity



<u>services</u>







Prominent Civil Rights Legislation

- Civil Rights Act of 1866
- > Civil Rights Act (CRA) of 1964
- Rehabilitation Act of 1973Americans with Disabilities Act (ADA) of 1990
- Civil Rights Act of 1991
- Hawaii Revised Statutes (HRS), § 378 and 371 (2006),

Protected Areas in Employment

-Race Color National Origin

Sex

FEDERAL

Religion
Disability
Age
Uniformed Service

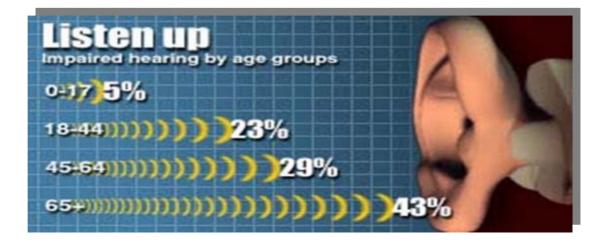
Citizenship Status

Ancestry
Marital Status
Arrest and Court Record
Sexual Orientation
Child Support Obligations
National Guard Absence
Breast Feeding

STATE

Title I of the Americans with Disabilities Act (ADA)

 Prohibits discrimination on the basis of disability, including the requirement to provide a reasonable accommodation to persons with physical and/or mental limitations.



Qualified Individual with a Disability

- Has a physical or mental impairment
- > Has record of an impairment
- Is regarded as having an impairment



<u>REASONABLE</u> ACCOMMODATION

A modification or adjustment to a job, the work environment, or the way job tasks are usually accomplished, to enable a qualified individual with a disability to perform the essential functions of a job or position.

REASONABLE ACCOMMODATION

- > Making facilities accessible
- > Job restructuring, modifying work schedules, reassignment
- > Acquiring or modifying equipment or devices
- > Adjusting examinations, training materials, or policies
- > Providing qualified readers or interpreters



Request for Reasonable Accommodation Department of Human Services

Sample	Date: Please ch My name is: My home address is My work or service address is: D	eck one: I am anEmployeeI can be reached at: FE-mail ivision :Section:	Phone:Unit:	
	APPLICATION (to a commodation(s):	My case worker o be completed by employee, application requesting the following specific this accommodation for the following	licant or client)	
nttp://www.hawai		ance by		
	Requestor Signature DETERMINATION: Your request of Approved Specific approved accommodate		date	
	Disapproved* Reas	on/s Denied:SAMPLE	(from Division/Section funds)	
	*If you disagree with this determination, you may present additional information with business days of the date that this determination is made to further substantiate you Please call me at			
	Specifics: Personnel Officer	Approved	Disapproved Date:	

DA 1 02/09

http://www.hawaii.gov/dhs

FACT SHEET

Reasonable Accommodation

What is meant by "reasonable accommodation"

A modification or adjustment to a job, the work environment, or the way job tasks are usually accomplished, to enable a qualified individual with a disability to perform the essential functions of a job or position.

(applies to employees, applicants for positions and individuals receiving or seeking DHS services.)

What does providing a reasonable accommodation involve?

making racillues accessible

Job restructuring, modifying work/service schedules, assignn

Acquiring or modifying equipment or devices
Adjusting examinations, training materials, or policies
Providing qualified readers or interpreters

How do I request a reasonable accommodation?

- (a) Employee or applicant completes, signs and dates Form RA-1 (dated 03/08) (b) describing what is needed and why
- (c) describing the disability and functional limitations which make the request necessary.
- Immediate supervisor **recommends** approval or disapproval, estimates cost, signs and dates; explains reason denied, if not approved.
- Division Administrator **reviews**, signs, dates and **reserves funds** if approval is recommended. If approval is not recommended, reason denied must be given. Forward to Personnel Office for review and approval/disapproval.

Departmental Personnel Officer reviews, **approves or disapproves**, signs/dates Individual has 10 (ten) business days to provide additional information if request is disapproved.

When request is approved completed, signed RA-1 is returned to immediate supervisor/case worker for purchase from divisional/program funds.

Immediate supervisor notifies Civil Rights compliance office gwatts@dhs.hawaii.gov when accommodation is complete/purchased.

What are some examples of reasonable accommodations?

Readers, laptops, notebooks, interpreter/translator, assistive devices, audio/video materials, chairs, lifts and others as justified.



Is UNLAWFUL when:

- Based on a protected factor
- Alters terms and conditions
- Creates hostile work environment

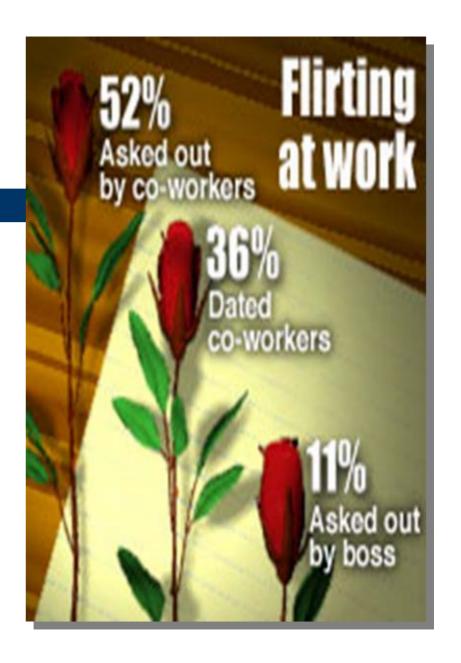


Identifying

and

Preventing Workplace Harassment





Harassment

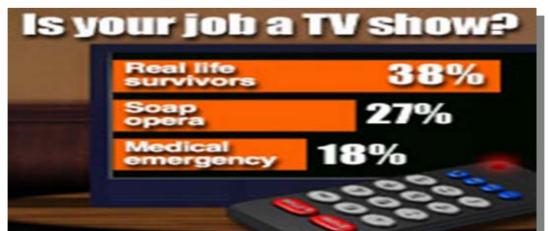
- Any unwelcome verbal or physical conduct based on:
 - Race
 - Color
 - Sex
 - Religion
 - National origin
 - Age
 - Disability

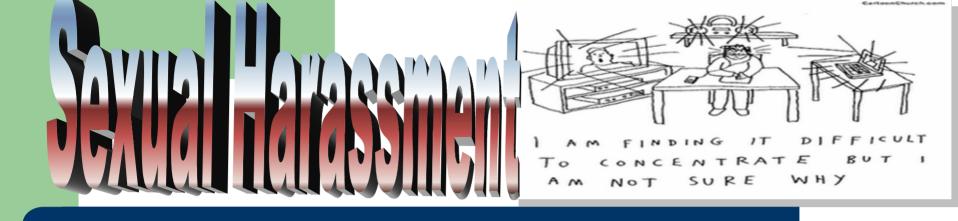


Two Types of Harassment

1) Tangible Employment Action

Only supervisors and managers can subject an employee to tangible employment action harassment because only supervisors and managers have the authority needed to take a tangible employment action. (hiring, benefits, promotion, demotion, discharge)





Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature

- Quid Pro Quo something promised in exchange for something else
- Hostile work environment conduct interferes with employee's ability to perform his/her job, or creates an offensive, hostile or intimidating work environment

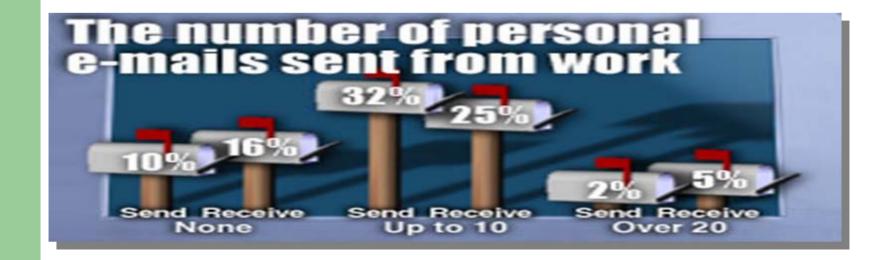


2) Hostile Work Environment

- Unwelcome comments or conduct based on race, color, sex, religion, national origin, age or disability unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment
- A hostile work environment can be created by a supervisor, manager, co-worker or non-employee.
- Includes, jokes, gestures, touching, graffiti, demeaning names or expressions, mocking behavior.

Retaliation is Prohibited

• It is unlawful to penalize, punish or deny employment, benefit, OR SERVICE because that person opposed discrimination or participated in any way (ex: as a witness) in the investigation of a charge.



Questions or Concerns

What questions do you have? (about reasonable accommodation retaliation, harassment, documentation?)

Frequently asked questions

- * What is reasonable accommodation?
- * What constitutes retaliation?
- * How do I stop the harassment or bullying?
- * What is considered misconduct at DHS?
- * What do I need to document?
- * Why do I have to be subjected to these behaviors?

Participation in Investigations

Internal

- Branch/Division
- Departmental

External

- Hawaii Civil Rights Commission (HCRC)
- EEOC
- HHS
- USDA/FNS
- US Justice Department



What is the truth?

Fact
Reality
Perception
Analysis
Findings
Conclusions
Action



- B. Personnel OfficeCivil Rights Compliance StaffP. O. Box 339Honolulu, Hawaii 96809-0339
- C. Discrimination complaints may also be filed concurrently with the following agencies:
 - U. S. Department of Health & Human Services, Region IX
 Office of Civil Rights
 90 7th Street, Suite 4-100
 San Francisco, CA 94103-6705
 (Financial & Medical Assistance)
 - U. S. Department of Agriculture Food & Nutrition Service Office of Civil Rights Western Region 90 7th Street, Suite 10-100 San Francisco, CA 94103 (Food Stamp Program)
 - U. S. Department of Education Region IX, Office of Civil Rights 915 Second Avenue, #3310 Seattle, WA 98174-1099 (Vocational Rehabilitation Services)
 - U. S. Department of Justice Office of Civil Rights 810 7th Street, NW Washington, D.C. 20531 (Youth Services)

BASIS FOR THE POLICY

This fundamental policy concerning equal Services opportunity shall be applied within the parameters of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act of 1990, and the Hawaii Revised Statutes, including and not limited to, 371 and 378, as revised In 2006.



QUESTIONS?

Write or call the Department of Human Services Civil Rights Compliance Staff:

Civil Rights Office Queen Liliuokalani Building 1390 Miller Street Honolulu, Hawaii 96813

ACCESS HAWAII

Services to the Public:

Your Rights

Our Responsibilities

Phone: 5

TTY: 586-4959 Fax: 586-4990

E-mail: gwatts@dhs.hawaii.gov

March 2008 DHS 050 Civil Rights Brochure
Department of Human Services

DEPARTMENT OF HUMAN SERVICES' POLICY

It is the policy of the Department of Human Services (DHS) that all individuals shall be provided an equal opportunity to participate in programs, activities and services of the DHS without regard to race color, national origin, age, disability, sex, political beliefs or religion.

This policy applies to all organizational divisions, agencies and/or commissions and organizations that receive State or Federal funds through contracts or other arrangements with the DHS.

State and Federally-funded programs must be planned and administered such that they do not have the <u>effect</u> of denying services and/or participation in the program to any particular person or groups of persons. For example, materials such as notices and brochures written only in English, may have the effect of denying services or participation in a program to limited and non-English speaking persons. Similarly, architectural barriers to DHS offices may have the effect of preventing persons with disabilities from accessing our services.

DISCRIMINATION

There are many forms of discrimination, both overt and subtle, that may adversely affect individuals or groups' opportunity to gain equal access to services. These include:

- treating individuals differently in the determination of eligibility for services;
- segregating or subjecting individuals to separate services or different treatment, which does not provide equal access to services;
- failing to provide language interpreter services for limited or non English speaking individuals or sign language interpreters for persons with hearing or speech impairments; and
- establishing hours of service that have an adverse effect on certain groups of individuals.

EMPLOYEE RESPONSIBILITIES

All employees are responsible for the implementation of the DHS' equal service opportunity policy (4.10.3). This includes, and is not limited to:

- ☐ informing persons of their right to equal service opportunity and their right to free interpreter service as well as their right to file a discrimination complaint when they feel their civil rights have been violated and/or an internal complaint when they feel they have been treated unfairly.

Any employee who intentionally obstructs the DHS' objective of providing equal access to services shall be subject to disciplinary action.

Program Administrators are Responsible for determining the needs of the population they serve considering language, culture, and physical accessibility needs, and planning programs that are consistent with those needs and in compliance with the law.

<u>Supervisors</u> are responsible for ensuring that their staff are aware of their responsibility to treat all clients equally and fairly, and to provide assistance to persons with special needs. Supervisors shall also ensure that clients are informed of their right to nondiscriminatory services.

COMPLAINT PROCEDURES

4.10.1

Persons who feel they have been treated unfairly because of their race,

file a discrimination complaint (DHS forms 9004 & 9006). Concurrent complaints may be filed with appropriate Federal and State Agencies within stated timeframes. Written complaints may be filed with:

A. the respective Program Administrator w/ copy to Director; Opportunity to Participate in Programs, Services, and Activities



Protected Areas in Access to Services

National Origin Political Beliefs * **FEDERAL** Race Color Sex Religion * **Disability** Age Ancestry **STATE Breast Feeding**

* Applies only to Food Stamp Program applicants and recipients



Non-Discrimination in Employment and Services

Discrimination Complaint Procedure (4.10.1)

Harassment (4.10.2)

Opportunity to Participate in Programs, Services and Activities (4.10.3)

DHS Policy and Procedures



- DHS Policy and Procedure 4.10.3
 Opportunity to Access Programs, Services and Activities (Revised 2007)
- Our policy says that we will provide, free of charge, language interpreters for applicants and clients who have limited English proficiency.

(Please see July 2008 DHS Volunteer interpreter List.)

(Please see Court Interpreter List also)

http://www.hawaii.gov/dhs

Hawaii's

Department of Human Services (DHS)

Located in the crossroads of the Pacific, between Asia and North and South America, is committed to providing <u>equal access</u> to public services to all clients and potential clients.

For example, many divisions traditionally ask their multi-lingual staff to serve as ad hoc interpreters.

Access Requirements

Applicants, clients and program participants should be informed of their right to:

- Non-discriminatory service provision
- Accommodation
- > Free sign or other language interpreters
- File a complaint



http://hawaii.go11.18v/dhs/main/Folder.2007-10-09.2339/Document.2007-10-51

What is L E P?

L is for Limited

Speaking Reading Writing Understanding



E is for **English**

Language Verbal Nonverbal Written

P is for Proficiency

(at levels that permit effective interaction)

Summary of Problem

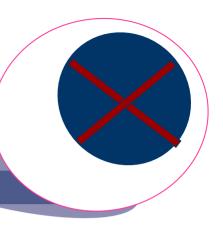


- While English is the predominant language in the United States, over 32 million people in the country have Limited English Proficiency.
- L E P Individuals face many barriers to critical health and social services.
- We need to remove the barriers!

Language Barriers

- Breaking Them Down (DVD)
- Providing Interpreter Services
- Translating Forms and Brochures
- Reporting
- Monitoring
- ACCESS Task Force

Federal Law



□ Title VI of the Civil Rights Act

Excerpt: ...may not directly or through contractual or other arrangements because of....national origin:

- -Deny an individual any service, financial aid, or other benefit provided by a program,
- -Use criteria or methods of administration which have the effect of subjecting individuals to discrimination or have the effect of defeating or substantially impairing accomplishment of objectives of a program.

State Statute

- Hawaii Revised Statutes, Title 21 Labor and Industrial Relations Chapter 371, Part II 371-31 to 37 Act 290 Effective July 10, 2006
- Language Access
 - Points to Remember
 - Revised Statute



Language Access

Points to Remember (State Law 290, Rev. 2008)

Points

- Applies to all State public contact activities
- Limited English Proficiency (LEP) individuals are entitled to same level of access as those who speak English

Self-identified LEP

- Ensure competent, timely, free interpreter services
- Use four-factor analysis to determine needs for written translation
- Develop a Language Access Plan
- Established State level Office of Language Access (DOLIR)
- Fifteen-person language Access Advisory Council

Hawaii's Immigrant Population

The State of Hawaii Department of Business, Economic Development & Tourism (DBEDT) Research and Economic Analysis Division reports:

Hawaii's Immigrant Population December 2005

	Household	Migrant
Age	Population	Population Estimate
Persons 1-yr. and older	1,239,249	63,857
Less than 18-years	23.4%	24.9%
18 to 24-years	9.2%	18.5%
25 to 44-years	26.7%	41.5%
45 to 64-years	26.7%	10.5%
65-years and over	13.9%	4.7%

What can we "guesstimate?"

The greater percentages of immigrants in the postschool years of 18-24 and 25-44 years

indicates that if they are LEP, they will need language assistance for tasks like paying taxes, riding mass transit, obtaining drivers' licenses, applying for benefits, and so forth.

However, Race Category may reflect national origin, but not necessarily the need for language assistance.

Languages Spoken in Our Homes

U.S. Census Bureau American Fact finder,

Selected Social Characteristics in the United States: 2005, Data Set: 2005 American Community Survey

Native - 711,691 Foreign Born - 161,486

Total Population 873,177

World Region of	
Birth of Foreign Born	<u>Estimate</u>
Total Foreign Born	161,486
Europe	509
Asia	138,967
Africa	551
Oceania	10,824
Latin America	4,372
Northern America	1,680

Language Spoken at Home (=or > 5 yrs. Old)	<u>Estimate</u>
Total	807,833
English Only	596,825
Language other than English	211,008
Spanish	12,849
Other Indo-Euro	8,342
Asian and Pac Islander	189,113
Other Languages	704

What a City Agency Implemented

- A review of the census data lead to the thought that there is a likelihood for language assistance in the languages of Filipino (Visayan, Tagalog, Ilokano), Japanese, Chinese, and Korean.
- However, we know from day-to-day experience that there is a need for the "Pacific Islander" languages such as Chuukese, Marshallese, Samoan, and Tongan, as well as the "Other Asian" languages such as Laotian, Thai, and Vietnamese.
- Fortunately, DHS has staff possessing multi-lingual skill in some of these languages.

..... in 6 Languages

Mayor Mufi Hannemann • City and County of Honolulu



Department of Customer Services Frequently Called Phone Numbers

Abandoned Vehicles 733-2530
Building Permit Office 768-8220
City Council
Complaints Office
Drivers License
Senior Helpline
Mayor's Office
Motor Vehicle Registration 532-4324
Pothole Hotline
Real Property Assessment 527-5510
Refuse Collection Services 768-3401
Tree Trimming (Parks & Rec.) 971-7151
City Information
City Website www.honolulu.gov

English Japanese

Korean

Mandarin

Tagalog Vietnamese



Can Do:

- Ensure that LEP persons are:
 - -Given adequate and correct information
 - -Understanding of what services and benefits are available
 - -Effectively communicating relevant circumstances of their situation
- Provide a comprehensive language assistance program, written policies, interpreter and/or translation services and effective communication devices.

Interpreter Requirements

- Proficient in more than one language
- Avoid using friends, family, minor children
- Document client declination
- Arrange before bringing client in
- Use DHS volunteers appropriately
- Examine credentials, including certification, of interpreters

(Please see Interpreter CODE OF ETHICS)

http://www.hawaii.gov/dhs in the Civil Rights Corner



http://www.lep.gov/faqs/faq.html

Limited English Proficiency

Resources

Technology

- -Audio, video, tel-video phones
- -Live on-line: web casts

Personnel

- -Face-to-face interaction required -Verbal-written

Aids

- -Recorder, transcriber, voice recognition

- -American Sign Language
 -Multiple language forms/brochures
 -Large print (nothing smaller than 12 pt)

External

- -Bi-lingual Access Line
- -Language Department (Colleges and Universities)
- -Charities



Contacts

Geneva Watts, DHS, CRCS, P. O. Box 339 Honolulu, HI 96809-0339

USDA

Director, Office of Civil Rights 1400 Independence Avenue, S.W. Washington, D. C. 20250-9410

U.S. Department of Health and Human Services Director, Office of Civil Rights, Room 506-F 200 Independence Avenue, S.W. Washington, D. C. 20201

- U. S. Department of Education Office of Civil Rights, Seattle Office 915 Second Avenue, Room 3310 Seattle, WA 98174-1099
- U. S. Department of Justice Office of Civil Rights 810 7th Street, NW Washington, D. C. 20531

(808) 586-4955

TTY (808) 586-4959

(800) 795-3272 TTY (202) 720-6382

(202) 619-0403 TTY (202) 619-3257

(206) 220-7900 Fax (206) 220 7887

(202) 307-0690

Hawaii Civil Rights Commission 830 Punchbowl Street, Room 411 Honolulu, Hi 96809

(808) 586-8636

Civil Rights Compliance

Module 2

Overview

Objectives Commentary

Key Words

Laws

Practice

Action

Content

Policies Employment Services Notices Forms Follow-up

Documents

Best Practices Resources References

FAQ

Questions Answers



Read Me First



Summary

- Inform LEP individuals of their right to free interpreter services
- Avoid advising LEP individuals to bring a friend or family member to interpret
- Contact one or more interpreter services (phone, e-mail, on-line, in-person)
- Use DHS Volunteer Interpreters as appropriate and needed
- Provide information on process for filing a complaint when service delivery is unacceptable

Questions



- What questions do you have?
- What specific actions will you take as a result of this knowledge?

Please read, think and act.

What, if any, additional training and/or information do you need?

Frequently Asked Questions



- Where can I find an American Sign Language Interpreter?
- What is the hourly rate for interpreters?
- Can we cover travel expenses?
- Do interpreters need to be certified? If so, By whom?
- Can we contact the courts for interpreters?
- Why can't an applicant bring a family member?

Civil Rights Compliance Staff (CRCS)

586-4955 gwatts@dhs.hawaii.gov



- Serves as departmental liaison for all civil rights related matters
- Investigates civil rights complaints
- Provides technical and advisory services to the department regarding standards and requirements of civil rights laws, rules and regulations
- Develops departmental policies, procedures and plans

Civil Rights Review

Module 6

Objectives

Commentary

<u>Key</u> <u>Words</u>

Laws

ADA Compliance Rights & Responsibilities

Content

Notices
Code of Ethics
Data Collection
Forms

Best Practices

ADA Translations

FAQ



Merci

Todah!

Gracias Thank You

